

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL CERVANTES,

Plaintiff,

v.

GOLD'S GYM CALIFORNIA, LLC,

Defendant.

No. 2:21-CV-1752 KJM CKD

ORDER

Plaintiff initially commenced this action under the Americans with Disabilities Act (“ADA”) on September 24, 2021. (ECF No. 1.) Thereafter, on November 18, 2021, defendant filed an answer to the complaint. (ECF No. 7.)

In the interest of avoiding the accumulation of fees and costs through potentially unnecessary discovery and motion practice, and to allow the parties sufficient time to pursue an early informal resolution of this matter, IT IS HEREBY ORDERED that:

1. This action is STAYED except as set forth herein and all previously set deadlines and hearings are VACATED pending further order of the court.
2. The parties are directed to promptly meet and confer to discuss settlement of this action. Settlement discussions require focus and preparation and should involve the attorneys who will try the case and the person or persons having full authority to negotiate and settle the case on any terms. Plaintiff should initiate settlement

discussions by providing a written itemization of damages and a meaningful settlement demand that includes an explanation of why the demand is appropriate. Defendant should respond with an acceptance of the offer or with a meaningful counteroffer, and which includes an explanation of why the counteroffer is reasonable. The parties should continue in this way until they reach settlement or have exhausted informal settlement efforts.

3. If the parties have not been able to informally reach a settlement within 45 days, the parties shall initiate participation in the court's Voluntary Dispute Resolution Program ("VDRP") by contacting the court's VDRP administrator, Sujean Park, at (916) 930-4278 or SPark@caed.uscourts.gov, and file a notice on the court's docket stating they have contacted the VDRP administrator.¹
4. The parties shall carefully review and comply with Local Rule 271, which outlines the specifications and requirements of the VDRP.
5. No later than fourteen (14) days after completion of the VDRP session, the parties shall jointly file their VDRP Completion Report, consistent with Local Rule 271(o).

IT IS SO ORDERED.

December 8, 2021.


CHIEF UNITED STATES DISTRICT JUDGE

¹ The resources of the VDRP program are limited, and the parties are expected to make good faith efforts to timely and fully exhaust informal settlement efforts prior to initiating participation in the VDRP. The court will look with disfavor upon parties stalling or failing to participate in the above-mentioned initial informal discussions, prompting potentially unnecessary participation in the VDRP and straining the program's resources.